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TAGS: [KNNP](#) [PARM](#) [TRGY](#) [AORC](#) [FR](#) [IAEA](#)

SUBJECT: FRANCE SUPPORTIVE OF U.S. INITIATIVE TO STRENGTHEN THE IAEA

REF: STATE 21700

Classified By: Political Minister-Counselor Josiah Rosenblatt, Reason 1
.4 B/D

11. (C) On February 10, Hugues de Longevialle, MFA disarmament specialist responsible for IAEA issues, provided us with initial feedback on our initiative to strengthen the IAEA (reftel), which we had conveyed earlier in the week. Longevialle cautioned that a more formal French reaction was still under interagency discussion; nonetheless, he wanted to provide us with some "preliminary" MFA comments, given our request for comments by the upcoming G-8 Senior Group meeting in London.

12. (C) Longevialle observed that France was in general agreement with us on the substance of our "terms of reference for the IAEA Special Committee on Safeguards and Verification." We are broadly in sync on the substance, he stated. He also added that the G-8 had already agreed at Sea Island on the formation of a Special Committee. While the French agree with us on the importance of getting more countries to sign and implement the IAEA Additional Protocol, as well on the need to reinforce verifiability and the criteria on non-compliance, they retain some questions and comments on the terms of reference text:

-- The issue of how best to identify emerging threats from non-state actors and how to assist Member States to identify sensitive nuclear equipment and material should be handled in the Nuclear Suppliers Group (NSG). The NSG is better set up to deal with countries that are non-members of the NSG. Similarly, the NSG, unlike the IAEA, is better equipped to deal with export control issues.

-- The French would refine the U.S. proposal to allow the Special Committee to make recommendations to the IAEA Board of Governors (BOG). The MFA suggests that the text be revised to emphasize or make explicit the priority of the BOG over the Special Committee in making such recommendations. The BOG has a "wider margin of appreciation" of the issues than would the Special Committee, Longevialle explained.

-- With respect to the references for "building on the experience in implementing the Additional Protocol," Longevialle observed that we should be careful not to be seen as adding a new additional protocol, because such a perception might discourage non-signatory countries from signing on to the Additional Protocol itself. He was specifically referring to our language that suggested we "identify new strengthening measures that may be needed to enhance the effective enforcement of compliance with safeguards."

-- Longevialle made the same point about not discouraging potential signatories of the Additional Protocol when discussing the terms of reference that suggests the potential need "for further expansion of the IAEA's legal authority for its verification and inspection activities to better address the challenges now posed to the nuclear non-proliferation regime."

-- On the recommendation for a State to recuse itself from Special Committee decisions should it find itself under investigation, the French agree with the concept, but recommend we add language that would emphasize the voluntary nature of the recusal. The idea of a State recusing itself from decisions is a political concept because normally decisions are taken on a consensus basis, according to Longevialle. The likelihood of recusal is strongest when the decision is seen as voluntary. Additionally, if the decision for recusal is not voluntary, there might be legal issues surrounding the question of how the BOG might make a decision on who should remain a member of the Special Committee.

13. (C) Longevialle highlighted one area which France sees as very problematic. He said the recommendation that a non-nuclear weapon state "which has or is pursuing enrichment or reprocessing activities, should expect a considerably more intrusive inspection regime," is redundant given the IAEA's existing mandate and could be seen as discriminatory. The IAEA already is authorized to determine the level of inspections based on the nature of a state's activities.

France therefore would strongly recommend deletion of this term of reference paragraph from the draft text.

14. (C) On the plus side, Longevialle emphasized French concurrence with our proposed language on the life span of the Special Committee. We feel that reference to "an indefinite duration" represents good compromise language, which would allow the IAEA and the Special Committee to determine when the latter has achieved its objectives, he stated. Longevialle said the MFA was also supportive of our language pertaining to "the modalities for special inspections." This formulation fits well with the objectives of the Special Committee and the IAEA's own language in paragraph 73 of the "Model Comprehensive Safeguard Agreement of the IAEA."

Leach